

Notice of Allowability

Application No.

09/533,504

Examiner

Haythim J. Alaubaidi

Applicant(s)

BRECHNER ET AL.

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of September 10, 2004.
2. ☒ The allowed claim(s) is/are 1-38.
3. ☒ The drawings filed on 23 March 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This communication is in response to the amendment of September 10, 2004.
2. Claims 1-38 are presented for examination, of which Claims 1, 5, 27-28 and 36-38 are independent Claims.
3. The Examiner acknowledges the new added Claims 37 and 38.
4. Claims 1-38, are allowed over the prior art of record.

Allowable Subject Matter

5. Claims 1-38, are allowed over the prior art of record.
6. The following is the Examiner's statement of reasons for the indication of allowable subject matter:

Regarding Independent Claims 1, 5, 28 Applicant's particular method for identifying media clips with common characteristics relating to media clips quality is associating one of a plurality of different style identifiers with each of the plurality of different media clips, each different style identifier corresponding to a different characteristic quality, selection of a style identifier associated with each media clip being based upon a subjective evaluation of the characteristic quality of the media clip, an identical style identifier being associated with different media clips that subjectively have been determined to have the same characteristic quality, but which do not necessarily

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relate to a common subject in combination with the other limitations of the claims, was not disclosed by, would not have been obvious over, nor would have been fairly suggested by the prior art of record or that encountered in searching of the prior art.

The dependent Claims 2-4 being further limiting to independent Claim 1; dependent Claims 6-26 being further limiting to independent Claim 5; and dependent Claims 29-35 being further limiting to independent Claim 28, definite and enabled by the Specification are also allowed.

Regarding Independent Claims 27 and 36-38, Applicant's particular method and associated systems for identifying media clips with common characteristics relating to media clips quality is having a plurality of different media clips being previously associated with an absolute ranking value for each of a plurality of different attributes, the different attributes including at least one objective characteristic and a stylistic identifier representative of a subjective impression associated with a media clip, in combination with the step of enabling desired attribute to be from a range of choices of the attributes including the objective characteristics and the stylistic identifier in combination with the other limitations of the claims, was not disclosed by, would not have been obvious over, nor would have been fairly suggested by the prior art of record or that encountered in searching of the prior art.

Points of Contact

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (571) 272-4014. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023.

Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or telefax at our fax number (703) 872-9306.

Hand-delivered responses should be brought to the Customer Service Window of the Randolph Building at 401 Dulany Street, Alexandria, VA 22314

Haythim J. Alaubaidi


FRANTZ COBY
PRIMARY EXAMINER

Patent Examiner
Technology Center 2100
Art Unit 2161
March 3, 2005